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**APPENDIX**

**IN THE**

**Supreme Court of the United States**

**October Term, 1978**

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No. 77-1546

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**WILLIAM H. STAFFORD, JR.,  
STUART J. CARROUTH  
AND CLAUDE MEADOW,**

*Petitioners,*

*v.*

**JOHN BRIGGS, ET AL.,**

*Respondents.*

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**ON WRIT OF CERTIORARI TO THE  
UNITED STATES COURT OF APPEALS FOR THE  
DISTRICT OF COLUMBIA CIRCUIT**

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**PETITION FOR CERTIORARI FILED April 30, 1978  
CERTIORARI GRANTED January 15, 1979**

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IN THE  
**Supreme Court of the United States**  
OCTOBER TERM, 1978

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WILLIAM H. STAFFORD, JR.,  
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*Petitioners,*

v.

JOHN BRIGGS, ET AL.,

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ON WRIT OF CERTIORARI TO  
THE UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

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The following opinions, decisions, judgments and orders have been omitted in printing this appendix because they appear on the following pages in the appendix to the printed Petition for Certiorari:

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Opinion of the Court of Appeals for the District of Columbia Circuit, as amended, dated December 1, 1977 .....	1a
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### CIVIL DOCKET

United States District Court for the District of Columbia

1974

#### Proceedings

May 28	Complaint, appearance; Jury Demand; EX. A & B. filed A.G. ser. 5-28-74; deft.#1 ser. 5-30-74.; USA ser. 5-29-74.
May 28	Summons, Copies (6) and Copies (6) of Complaint issued
June 19	AMENDMENT by pl'tfs to the complaint; c/m 6-18-74.
July 1	MOTION by defts. for change of venue and stay of proceedings, or in the alternative for dismissal as to the three non-resident defts. and for stay of discovery, pending the filing of a timely motion to dismiss; Exhibits A thru Q; P&A; c/m 7-1-74; appearance of Benjamin C. Flanagan as counsel.
July 1	MOTION of defts. for change of venue and stay of proceedings, including deposition of Deft. Guy Goodwin or in alternative for dismissal as to three non-resident defts. and stay of discovery including deposition of Goodwin pending filing of motion to dismiss, heard and motion of Defts. for change of venue denied without prejudice; deposition of Deft. Goodwin stayed. (OTBP) (Rep. D. Spencer)
	Robinson, J.
July 22	MOTION of deft. #1 to dismiss; Exhibit A & B; P&A; c/m 7-22-74.

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..  
July 19

ORDER granting defts. until 7-22-74 to file their answer and or motion to dismiss; Pltfs. shall reply to motions with respect to transfer by 7-19-74; staying deposition of deft. Guy Goodwin pending determination of Deft. Goodwin's claims of immunity. (N)

Robinson, J.

July 29

OPPOSITION of pltffs. to motion of defts' to transfer; Exhibit A & B; c/m 7-18-74.

August 8

STIPULATION extending pltffs time to answer deft. Goodwin's motion to dismiss to and including 8-19-74. (flat) (N)

Robinson, J.

August 14

SUPPLEMENTAL Authority in support of motion of deft. #1 to dismiss; c/m 8-13.

August 19

BRIEF of pltffs' in opposition to motion of deft. #1 to dismiss; Exhibit A & B; c/m 8-16-74.

October 18

MEMORANDUM of pltffs. regarding Apton v. Wilson; c/m 10-16-74.

November 20

MEMORANDUM and Order denying deft. Guy Goodwin's motion to dismiss; denying motion of Deft. Stafford, Carrouth and Meadows to transfer. (N)

Robinson, J.

December 2

MOTION by defts. to extend time to answer complaint; P&A's; c/m 12/2/74.

December 13

MOTION of deft. #1 to dismiss and renewed motion for stay of all proceedings, including the taking of the deposition of deft. #1, or in the alternative for certification of the issue of immunity and for stay pending determination of interlocutory appeal; P&A; Attachment; c/m 12-13-74.

December 10

ORDER enlarging defts' time to respond to complaint to 12-13-74. (signed 12-9-74) (N)

Robinson, J.

December 18

MEMORANDUM of pltffs. in opposition to deft. Goodwin's motion to dismiss and defts. renewed motion for stay of all proceedings or in the alternative for certification of the issue of immunity and for stay of all proceedings pending determination of interlocutory appeal; c/s 12-18-74.

December 18

MOTION of deft. Guy Goodwin to dismiss and renewed motion of defts. for stay of all proceedings, including the taking of the deposition of deft. Guy Goodwin; or in the alternative for certification of the issue of immunity and for stay of all proceedings pending determination of interlocutory appeal, heard and taken under advisement. (Rep. Doyne W. Spencer) Robinson, J.

December 24

MOTION of defts. #2 & 3 to dismiss; P&A; c/m 12-23-74.

1975

January 10 STIPULATION extending pltfs' time to answer defts., Stafford, Carrouth & Meadows motion to dismiss till 1-20-75, so ordered. (fiat) (N)

Robinson, J.

January 20 MEMORANDUM of pltfs' in opposition to motion of defts. #2, 3 & 4 to dismiss; c/m 1-17-75.

January 29 APPEARANCE of R. John Seibert as counsel for defts. William H. Stafford, Jr., Stuart J. Carrouth and Claude Meadow. CAL/N

January 29 SUPPLEMENTAL Memorandum of points and authorities in support of the alternative motion of defts. #2, 3 & 4 to dismiss action as to them; c/m 1-29-75.

March 4 ORDER dismissing action as to Defts. William H. Stafford, Jr., Stuart J. Carrouth and Claude Meadow. (N)

Robinson, J.

March 4 ORDER denying deft. Goodwin's fresh motion to dismiss and motion for certification of issue of witness immunity; certifying Memorandum and Order of 11-20-74 for interlocutory appeal as to certain issue; staying proceeding pending determination of said appeal. (N)

Robinson, J.

March 21

MOTION of pltfs. for stay of effective date of order of 3-4-75, dismissing the action against defts. Stafford, Carrouth and Meadow or alternatively for an order complying with Rule 54(b) FRCP to make order final and appealable and for an order staying the effective date of the dismissal order until further order of the court; Memorandum; c/m 3-20-75.

April 2

RESPONSE and Opposition by defts. Stafford, Carrouth and Meadow to pltfs' motion for stay filed 3-21-75; c/m 4-2-75.

April 4

ORDER for final judgment be entered on Order of 3-4-75 dismissing action as to defts. William H. Stafford, Jr., Stuart J. Carrouth and Claude Meadow. (N)

Robinson, J.

May 5

NOTICE of Appeal by pltfs. from Order of April 4, 1975. Copy mailed to R. John Seibert. \$5.00 paid and credited to U.S. by Philip J. Hirschkop.

May 28

CERTIFIED Copy of USCA Order granting motion of petitioner for leave to appeal pursuant to 28 USC 1292 (b); denying request by appellees that case receive expedited treatment. (deft. Goodwin)

June 12

RECORD on Appeal delivered to USCA; Receipt acknowledged. (USCA No. 75-1578, pltff.) (USCA No. 75-1642, deft.)

## COMPLAINT

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

JOHN BRIGGS, 4165 N.W. 12th Terrace,  
Gainesville, Florida;  
SCOTT CAMIL, 425 N.W. 10th Avenue,  
Gainesville, Florida;  
PETER P. MAHONEY, 348 E. 92nd Street,  
New York, N.Y.;  
STANLEY K. MICHELSON, 4165 N.W. 12th Terrace,  
Gainesville, Florida;  
JOHN KNIFFIN, 501 W. 12th Street,  
Austin, Texas;  
WILLIAM PATTERSON, 103 Kingswood Road,  
Newark, Delaware;  
ALTON FOSS, 2900 S.W. 25th Terrace,  
Gainesville, Florida;  
DONALD PERDUE, 4560 S.W. 32nd Drive,  
Hollywood, Florida;  
ROBERT WAYNE BEVERLY, 501 W. 12th Street,  
Austin, Texas;  
JACK JENNINGS, 835 N.E. 3rd Avenue,  
Gainesville, Florida,

*Plaintiffs,*

*vs.*

GUY GOODWIN, individually and as Attorney for  
the Department of Justice, Division of Internal Security;  
WILLIAM H. STAFFORD, JR., individually and as United  
States Attorney for the Northern District of Florida;  
STUART J. CARROUTH, individually and as Assistant  
United States Attorney for the Northern District of Florida;  
and CLAUDE MEADOW, individually and as special  
agent of the Federal Bureau of Investigation,

*Defendants.*

Civil Action

JURY TRIAL  
REQUESTED

Complaint  
(Suit for  
Declaratory  
and Injunctive  
Relief and  
Damages)

## JURISDICTION

1. The jurisdiction of this Court arises under 28 U.S.C. § 1331, 1332, 1343, 1651, 2201 and 2202.

2. The amount in controversy exceeds \$10,000 exclusive of interests and costs, in that the value of each of the rights of which plaintiffs have been deprived is in excess of \$10,000.

3. Plaintiffs' causes of action arise under the First, Fourth, Fifth, Sixth, Eighth and Ninth Amendments to the Constitution of the United States; 18 U.S.C. §§ 371, 401, 402, 1621 and 1622; 28 U.S.C. §§ 2201-02; 42 U.S.C. §§ 1983, 1985, 1986 and 1988.

4. Plaintiff JOHN BRIGGS is a resident of the State of Florida and is a member of the Vietnam Veterans Against the War/Winter Soldier Organization (hereinafter VVAW/WSO). Plaintiff BRIGGS was subpoenaed before the Federal grand jury in Tallahassee, Florida to appear on August 8, 1972 and was incarcerated for contempt of court for eight days for refusing to answer questions before the grand jury. Plaintiff BRIGGS was subsequently indicted as a co-conspirator in the superceding indictment captioned *United States v. John K. Briggs, et al.*, GCR 1353, and was acquitted of the charges therein on August 31, 1973.

5. Plaintiffs SCOTT CAMIL, STANLEY K. MICHELSON, DONALD PERDUE and ALTON FOSS are residents of the State of Florida. Plaintiff JOHN KNIFFIN is a resident of the State of Texas. Plaintiff WILLIAM PATTERSON is a resident of the state of Delaware. Plaintiff PETER P. MAHONEY is a resident of the State of New York. All of the foregoing plaintiffs are members of VVAW/WSO and were subpoenaed to appear before the Federal Grand Jury in Tallahassee, Florida in July, 1972, and with the exception of Plaintiff MICHELSON, were indicted by that Grand Jury in an indictment captioned

*United States v. Camil, et al.*, GCR 1344. Plaintiffs were subsequently re-indicted in the superceding indictment (including Plaintiff Michelson) captioned *United States v. Briggs, et al.*, GCR 1353 (known as the Gainesville 8 Case) which totally incorporated the charges in the preceding indictment. All were acquitted of the charges against them on August 31, 1973.

6. Plaintiff JACK JENNINGS is a resident of the State of Florida. Plaintiff ROBERT WAYNE BEVERLY is a resident of the State of Texas. Both are members of VVAW/WSO and were subpoenaed before the Federal Grand Jury in Tallahassee, Florida in July, 1972. They were incarcerated for thirty-eight days for refusing to answer questions before that grand jury, and were released on September 8, 1972 on bail pending appeal pursuant to the order of Justice William O. Douglas issued on August 31, 1972. Their convictions for contempt were reversed by the United States Court of Appeals for the Fifth Circuit on September 25, 1972.

#### *Defendants*

7. Defendant GUY GOODWIN is Attorney for the Internal Security Division of the United States Department of Justice; defendant WILLIAM H. STAFFORD, JR., is United States Attorney for the Northern District of Florida; defendant STUART J. CARROUTH is Assistant United States Attorney for the Northern District of Florida; defendant CLAUDE MEADOW is a special agent of the Federal Bureau of Investigation in Gainesville, Florida and was the agent in charge of the investigation of the Gainesville 8 Case. Defendants were responsible for conducting the investigation and grand jury which resulted in

the indictments of plaintiffs BRIGGS, et al., and the incarceration of plaintiffs BEVERLY, et al., and were responsible for the prosecution of the indictment in *United States v. Briggs, et al.*

All defendants are sued both individually and in their official capacities.

#### **STATEMENT OF FACTS**

8. This is an action for declaratory relief and for damages for violations of plaintiffs' rights under the First, Fourth, Fifth, Sixth, Eighth and Ninth Amendments and for injunctive relief in the form of the appointment of a special prosecutor to prosecute the defendants for violations of law including 18 U.S.C. §§ 241, 242, 371, 401, 402 1621 and 1622.

9. Plaintiffs CAMIL, PATTERSON, MICHELSON, KNIFFIN, FOSS, PERDUE, BEVERLY, JENNINGS and MAHONEY are veterans of this nation's Armed Forces and have served in the war in Vietnam. They are also members of the VVAW/WSO. Plaintiff BRIGGS has never served in the Armed Forces, but has been and is a member of VVAW/WSO.

10. Starting on Friday, July 7 at or about 12:00 noon, in excess of twenty (20) grand jury subpoenas, most of which bore dates of issuance four days earlier, were served in a coordinated sweep upon the named plaintiffs and other members of VVAW/WSO, with the exception of plaintiff BRIGGS, who was subpoenaed a month later. The subpoenas were returnable sixty-nine (69) or less hours later, July 10, 1972 at 10:00 a.m., in Tallahassee, Florida (with a weekend intervening). They were served not only on those plaintiffs who live or had arrived in Florida, but also on VVAW/WSO members in the State of Arkansas, Texas, Louisiana, Washington, D.C.; and others. All the subpoenas were returnable at the same time, notwithstanding the

obvious impossibility of the grand jury hearing this testimony all at once. In addition, the subpoenas coincided with a VVAW/WSO anti-war march at the Democratic National Convention in Miami, for which the organization had a permit.

11. Twenty-one (21) of the persons subpoenaed to appear before the grand jury including the plaintiffs, many of whom did not previously know each other, were represented by nine lawyers who were present at various times over the four days the grand jury was in session. Nearly all of the lawyers met their clients for the first time on or after the afternoon of July 7th. Thus, when they appeared in Tallahassee on July 10, 1972, witnesses and attorneys had known each other for less than two days and some had met the night before or morning of the grand jury. Some did not meet until the grand jury had begun.

12. During the grand jury itself, the procedures used by defendants in calling witnesses heightened the confusion, for defendants' "piggy-backed" witnesses, calling a new witness into the grand jury room to be questioned while the prior witness was out of the room consulting with his attorney for legal advice respecting his answer to the prior question.

13. On information and belief, these procedures were used by defendants to enable them to plant informants in the defense camp and to make information from the defense camp more readily available to their planted informants.

14. Because of the large number of subpoenaed witnesses, the small number of lawyers, the inadequacy of physical facilities and the procedure used by the government for calling witnesses, it was necessary during the one and a half days of preparation for the grand jury and the

four days of grand jury proceedings, to have many discussions of legal matters in groups of witnesses and attorneys.

15. As a result of the aforementioned conditions, and of the fact that VVAW/WSO was known to be heavily infiltrated by paid informers and agents of state and local police and by the Federal Bureau of Investigation, plaintiffs and the other subpoenaed witnesses made a motion before United States District Judge David L. Middlebrooks requiring defendants to disclose the identity of any agents or informers represented by enumerated counsel in order to protect the constitutional rights of plaintiffs and other witnesses represented by those counsel.

16. On the afternoon of July 12, 1972, Judge Middlebrooks requested that counsel for movants submit a list setting forth which witnesses were represented by counsel. That list, which included the names of all the plaintiffs then subpoenaed, including Emerson L. Poe, was read to the court in the presence of defendants GOODWIN, STAFFORD and CARROUTH. See Exhibit A annexed hereto and made part hereof.

17. On July 13, 1972, in response to an order of the court, defendant GOODWIN, on behalf of all defendants and with their full knowledge, falsely represented to the court under oath that none of the persons listed were agents or informers, when, on information and belief, he and the other defendants herein knew that at least one subpoenaed witness/client was a paid FBI informer and failed to disclose this fact to plaintiffs and their attorneys up until the day that informer took the witness stand in *United States v. Briggs, et al.*, (see Exhibit B annexed hereto and made a part hereof).

18. On information and belief, defendant GOODWIN'S testimony was deliberately calculated to mislead plaintiffs and to both conceal the unconstitutional invasion of the

defense camp before and during the grand jury and to ensure the continuance of that unconstitutional invasion.

19. On information and belief had the grand jury known of the aforesaid perjury they would have refused to issue the indictment requested by defendants.

20. Defendant Goodwin's false testimony was wholly beyond the scope of his prosecutorial function.

21. On July 13, 1972, plaintiffs BEVERLY and JENNINGS were held in civil contempt for failing to answer questions before the grand jury and were incarcerated for a total of 38 days.\*

22. On that same evening plaintiffs CAMIL, MAHONEY, KNIFFIN, PATTERSON, FOSS and PERDUE were indicted for conspiracy to cross state lines and riot at the Republican National Convention. *United States v. Camil, et al.*, GCR 1344. Plaintiffs, with the exception of PATTERSON, were incarcerated pending their release on bail.

23. On August 7, 1972, plaintiff BRIGGS was subpoenaed to appear before the Federal Grand Jury in Tallahassee which had, less than one month before, issued the indictment in *United States v. Camil, et al.* On information and belief, that subpoena was issued in part as a result of information obtained by defendants from EMERSON L. POE during and after the grand jury proceedings in July.

\* Beverly and Jennings were originally incarcerated for civil contempt without bail on July 13, 1972. On July 18, 1972, in an emergency appeal on denial of bail, the Fifth Circuit summarily remanded the matter to District Court, directed the Court to hold a full hearing and enlarged plaintiffs pending the hearing.

On August 9, 1972, after a brief hearing, they were once again remanded to custody without bail and remained incarcerated until September 8, 1972, eight days after Associate Justice William O. Douglas granted their application for bail pending appeal and ordered their release.

Such information was obtained as a result of the aforementioned perjury.

24. On August 8, 1972, plaintiff BRIGGS' subpoena was adjourned and he was ordered to reappear on September 7, 1972. On September 8, 1972 plaintiff BRIGGS was held in civil contempt for refusing to answer questions before the grand jury and was incarcerated and held without bail until September 15, 1972 when he was released by the Fifth Circuit in response to an *ex parte* motion by the defendants to dismiss the appeal since they intended to withdraw the contempt.

25. On October 18, 1972, the grand jury issued a superceding indictment incorporating all of the charges against plaintiffs CAMIL, MAHONEY, KNIFFIN, PATTERSON, FOSS and PERDUE in the prior indictment and indicting plaintiff BRIGGS as a co-conspirator and plaintiff MICHELSON for aiding and abetting the conspiracy and for misprison of a felony. On information and belief the new information and the re-indictment were obtained by defendants as a result of the invasion of the defense camp by defendants' agent, EMERSON L. POE. The trial of those charges began on July 31, 1973.

26. On August 17, 1973, in mid-trial, plaintiffs learned for the first time that EMERSON L. POE, one of the persons named on the aforementioned list of witness-clients, was at the time of defendant GOODWIN'S testimony a paid Federal Bureau of Investigation informant and had been such for more than six months prior to that time, reporting directly to defendant MEADOW each and every time he spoke with or saw plaintiff CAMIL and, on information and belief, the other plaintiffs, during and after the grand jury.

27. POE continued to be a paid informer after plaintiffs were released from the grand jury up to and during their

criminal trial. He continued to maintain close personal and organizational contact with plaintiff CAMIL and other plaintiffs, solicited and passively received information concerning the defense, and continued to report to defendant MEADOW concerning each contact he had with plaintiff CAMIL.

28. On information and belief, these contacts between informer POE and the plaintiffs were maintained with the knowledge and direction of the defendants.

29. As a direct result of defendant GOODWIN'S false testimony, EMERSON L. POE remained in a position of trust amongst the plaintiffs and remained privy to information concerning plaintiffs' defense in *United States v. Briggs, et al.* up to August 17, 1973, when he appeared on the witness stand as a government witness.

30. During that time, and as a direct result of defendant GOODWIN'S false testimony, POE was consulted by plaintiff CAMIL concerning matters directly relating to plaintiffs' defense in *United States v. Briggs, et al.*, including matters pertinent to the selection of the jury in that case, had access to defendants' (plaintiffs herein) mailbox which received legal mail concerning the case throughout pre-trial preparations and was permitted to attend at least one strategy meeting of the defendants.

31. On information and belief, defendant GOODWIN'S false testimony was designed to and did result in invading the defense camp of plaintiffs and their attorneys in such a fashion as to:

a) deprive plaintiffs of their right to counsel before the grand jury and through the trial of *United States v. Briggs, et al.*;

b) incarcerate plaintiffs in violation of their rights to be free of cruel and unusual punishment as guaranteed by the Eighth Amendment;

c) force plaintiffs CAMIL, MICHELSON, FOSS, PERDUE, KNIFFIN, MAHONEY, PATTERSON and BRIGGS to defend themselves in a five week trial under an indictment that was so totally tainted as to violate their rights to due process under the Fifth Amendment and their right to counsel under the Sixth Amendment;

d) totally disrupt the lives of plaintiffs and deprived them of liberty and property by causing them to lose their jobs and/or forcing them to give up their schooling and jobs for varying periods of time up to and including 1-1/2 years in order to prepare for and finance their defense and caused them the intense pain and suffering of having their lives so totally disrupted;

e) violate the Fifth and Sixth Amendment rights of plaintiffs CAMIL, MICHELSON, FOSS, PERDUE, KNIFFIN, MAHONEY and BRIGGS by placing in their confidence during the entire period of the grand jury and trial preparations up to and including the first weeks of trial, a paid FBI informer who was privy to the closest confidence of the plaintiffs concerning trial preparations and strategy as a result of defendant GOODWIN'S sworn assurance that none of the enumerated persons were informers;

f) violate plaintiff CAMIL'S rights guaranteed by the First and Ninth Amendments to privately associate with other persons free of the eyes, ears, and influence of the state functioning under the cloak of sworn governmental assurances that his associates are not government informers;

g) violate plaintiffs' rights to substantive due process guaranteed by the Fifth Amendment.

32. On information and belief, at least one or more other persons included in the list presented to the Court and to defendants were also government informants.

33. On information and belief, defendants were aware of and deliberately concealed the fact the POE and other witnesses represented by enumerated counsel were government informants at the time of defendant GOODWIN'S testimony and continued to conceal such throughout and until the day that informer POE took the witness stand in the trial of *United States v. Briggs, et al.*

34. On information and belief, defendants conspired together and with EMERSON L. POE and others unknown to plaintiffs and determined to deprive plaintiffs of their constitutional rights under the First, Fourth, Fifth, Sixth, Eighth and Ninth Amendments by deliberately concealing information concerning invasion of the defense camp, falsely stating under oath that none of the persons represented by plaintiffs' counsel were government informers, and directing POE to remain in the confidence of plaintiffs and continue violating plaintiffs' rights under the Constitution.

35. On information and belief other agents and informants of defendants in addition to Mr. POE invaded the defense camp between July 7, 1972 through and until the acquittal in the trial of *United States v. Briggs, et al.*, on August 31, 1973, in violation of plaintiffs' aforesaid constitutional rights.

36. On information and belief, the violation of the aforementioned statutes by defendants GOODWIN, STAFFORD, CARROUTH and MEADOW are known to persons

in the Department of Justice but no prosecutions have begun.

37. As defendants STAFFORD and CARROUTH are in control of recommending and securing indictments in the Northern District of Florida, the appointment of a special prosecutor is required.

WHEREFORE, plaintiffs respectfully request that the following relief be granted:

1) That this Court issue a declaratory judgment that as a result of the actions of defendants knowingly planting or keeping one or more informants in the defense camp,

a) plaintiffs' rights under the First, Fourth Fifth, Sixth, Eighth and Ninth Amendments were violated;

b) plaintiffs were incarcerated in violation of their rights under the Fifth, Sixth and Eighth Amendments;

c) plaintiffs CAMIL, MICHELSON, PERDUE, FOSS, MAHONEY, KNIFFIN, PATTERSON and BRIGGS were unnecessarily and wrongfully required to defend themselves against criminal charges in violation of their constitutional rights and denied the right to counsel under the Sixth Amendment.

d) plaintiffs, and particularly plaintiff CAMIL, were deprived of their rights under the First and Ninth Amendments to associate with persons of their choosing free of false statements that those persons are not government agents or informers.

2) Order that defendants pay to plaintiffs and each of them \$100,000 in punitive damages and \$50,000 in compensatory damages;

3) Order that defendants reimburse plaintiffs CAMIL, MICHELSON, FOSS, PERDUE, KNIFFIN, MAHONEY, PATTERSON and BRIGGS for the cost of their legal defense in the case of *United States v. Briggs, et al.*;

4) That a special prosecutor be appointed to secure indictments against and prosecute defendants GOODWIN, STAFFORD, CARROUTH and MEADOW for any and all violations of the law they have committed in connection with the subpoenaing and incarceration and prosecution of plaintiffs herein.

Respectfully submitted,

NANCY STEARNS  
DORIS PETERSON  
MORTON STAVIS

c/o Center for Constitutional  
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503 D Street, N.W.  
Washington, D.C.  
Attorneys for Plaintiffs

Dated: New York, N.Y.  
May , 1974

# VERIFICATION

PETER P. MAHONEY, being duly sworn, deposes and says: I am one of the plaintiffs in the action herein. I have read the foregoing complaint and hereby verify that to the best of my knowledge, all that is contained therein is true.

/s/

PETER P. MAHONEY

Sworn to before me this  
21st day of May, 1974

/s/

**EXHIBIT A**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF FLORIDA  
TALLAHASSEE DIVISION**

In Re: T-Misc-No. 1/122  
Grand Jury Witnesses.

**CAPTION**

The above-entitled matter came on to be heard before the Honorable DAVID L. MIDDLEBROOKS, United States District Judge, at the U.S. Post Office Building, Tallahassee, Florida, on the 12th day of July, 1972, commencing at 3:50 o'clock P.M.

**APPEARANCES**

STEWART J. CARROUTH, Assistant United States Attorney, and STARK KING, Assistant United States Attorney, U.S. Post Office Building, Tallahassee, Florida, and GUY GOODWIN, Assistant United States Attorney, U.S. Post Office Building, Tallahassee, Florida, and WILLIAM STAFFORD, United States Attorney, U.S. Post Office Building, Pensacola, Florida, appearing on behalf of the Government.

CAMERON CUNNINGHAM, 502 West 15th Street, Austin, Texas, 78701, appearing on behalf of the Grand Jury Witnesses.

DORIS PETERSON, 588 9th Avenue, New York, New York, 10036, appearing on behalf of the Grand Jury Witnesses.

NANCY STEARNS, 588 9th Avenue, New York, New York, 10036, appearing on behalf of the Grand Jury witnesses.

JAMES REIF, 588 9th Avenue, New York, New York, 10036, appearing on behalf of Grand Jury Witnesses.

JUDITH PETERSEN, 115 South Main Street, Gainesville, Florida, 32601, appearing on behalf of Grand Jury Witnesses.

EDWARD C. BROEGE, 108 Washington Street, Newark, N. Jersey, 07102, appearing on behalf of Grand Jury Witnesses.

Reported By  
Jerry L. Rotruck  
Federal Court Reporter  
P.O. Box 928  
Tallahassee, Florida  
224-0722

**MR. LEVINE:**

Now, the names of the witnesses are as follows.

Wayne Beverly, John Chambers, Timothy Jones, James Hall, John Kniffen, Arthur Franz, Nancy McCown, Jack Jennings, Bruce Horton, Richard Hudgens, Don Donner, Marty Jordan, Bruce Logston, Stanley Michelson, Donald Perdue, Pete Mahoney, Scott Camile, Emerson Poe, and I believe there is - I guess that is it. Some of the - Miss Peterson asked me to make one correction. We have talked on a one to one basis or two to one basis with some of those who have not literally yet been called, and I hope Your Honor will bear in mind that we never saw these people before. They never saw us. They arrived here with no lawyers.

Now, myself - well, Mr. Beverly was represented in Texas by Mr. Cunningham and Mr. Cunningham is representing him in these proceedings with my assistance.

Mr. Chambers is represented by Miss Judy Petersen.

Mr. Jones was counseled by myself and Miss Petersen.

Mr. Hall was counseled - I would like the Court to bear in mind that we were originally asked to represent these people as best we could and there has been some inner consultation between lawyers, but for the purpose of trying to make sure that they knew who had primary responsibility, this is how it has worked.

James Hall, Miss Stearns.

John Kniffen, Mr. Cunningham and myself.

Mr. Arthur Franz was here at one point and he came - he asked for my counsel and I remember having some conversation with him about the nature of the proceedings.

Nancy McCown, Judy Petersen.

Jack Jennings, Doris Petersen and Miss Stearns.

Mr. Hall is, Miss Stearns informs me, is both herself and Doris Peterson.

Bruce Horton, Mr. Reif.

Richard Hudgens, Mr. Cunningham and myself.

Mr. Donner, Mr. Cunningham and myself.

Mr. Jordan, Mr. Cunningham and myself.

Bruce Logston, Mr. Broege, although he has been consulting, Mr. Broege just arrived and he has been - many of these witnesses, let me explain, have been coming up to many of us and asking questions and that was the nature of the original understanding between the lawyers and the witnesses, so when I mentioned these specific names, it is not to indicate that they are the only lawyers who have counseled with them, but this has been when the people have actually been called into the Grand Jury Room, we have tried as best as possible, given the fact that everybody was out in the hallway until we were able to move into the Courtroom, and people were wondering all around, to get together with these people on an individual basis, much like a - well, I will not go on.

Mr. Michelsen, Mr. Broege.

Mr. Perdue, Mr. Broege.

MR. GOODWIN:

Just a second. All right.

MR. LEVINE:

Mr. Mahoney, Mr. Broege.

Mr. Camile, Miss Judy Petersen, and I have just been informed that Mr. Poe, who I believe originally was not represented by counsel -

MISS DORIS PETERSON:

Just for the Sixth Amendment motion that Your Honor ruled on the other day.

MR. LEVINE:

Now, many of these witnesses - I am sorry. Mr. Reif and Doris Peterson.

MR. STAFFORD:

Was this Poe?

MR. LEVINE:

I would ask other counsel if they have any corrections.

MR. CUNNINGHAM:

Mr. Patterson was inadvertently excluded from the list of witnesses.

MR. LEVINE:

I am sorry. Mr. Cunningham.

THE COURT:

That was Mr. Patterson?

MR. CUNNINGHAM:

Yes.

MR. LEVINE:

Yes, William Patterson.

MISS JUDY PETERSEN:

Also, Your Honor, this morning Mr. Allen was here and so I believe Mr. Philip Parsons from here in Tallahassee said that Mr. Allen had talked to him. I am not certain of his situation, but I would not represent to this Court that he does not have counsel. I believe he is talking to local counsel.

MR. LEVINE:

Now, I would ask if there are any of the other attorneys that have anything to add to that, that they do so. Mr. Novey represents Alton Foss.

MR. GOODWIN:

Who?

MR. LEVINE:

Mr. Jerome Novey. He is a local attorney from Tallahassee.

MISS JUDY PETERSEN:

Your Honor, Mr. Scott Camile, he has counsel in Gainesville, Larry Turner that I have been working with trying to work closely with on the phone. He has been unable to get up here at this time.

THE COURT:

Well, he is represented by counsel here, though?

MISS JUDY PETERSEN:

Yes, sir.

MR. LEVINE:

Now, these - let me say one further word. As we explained to the Court originally, all of these people were informed of the possibility of conflicts in representation developing and -

THE COURT:

Now, let me ask you something here. This bothers me, and I wish you would explain it to me.

As I understand it, essentially, the representation by counsel of witnesses before a Grand Jury is for the purpose of advising that witness whether any information that he may give to the Grand Jury might tend to incriminate him, is that correct?

MR. LEVINE:

That is certainly one aspect of it.

# EXHIBIT B

## IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF FLORIDA TALLAHASSEE DIVISION

IN RE: GRAND JURY WITNESSES  
CASE NO. T MISC. 1/122

### CAPTION

The above-entitled matter came on to be heard before the Honorable David L. Middlebrooks, United States District Judge, at the U.S. Post Office Building, Tallahassee, Florida, on the 13th day of July, 1972, commencing at 10:37 A.M.

### APPEARANCES

JAMES REIF, NANCY STERNS, DORIS PETERSON, and JACK LEVINE, 588 Ninth Avenue, New York, New York 10036, appearing on behalf of the Grand Jury witnesses. CAMERON CUNNINGHAM, 502 West Fifteenth Street Austin, Texas 78701, appearing on behalf of the Grand Jury witnesses.

JUDY PETERSEN, 115 South Main Street, Gainesville, Florida 32601, appearing on behalf of the Grand Jury witnesses.

STEWART J. CARROUTH, Assistant United States Attorney, WILLIAM STAFFORD, United States Attorney, GUY GOODWIN, Assistant States Attorney, and STARK KING, Assistant United States Attorney, U.S. Post Office Building, Tallahassee, Florida, appearing on behalf of the Government.

Reported by  
JERRY L. ROTRUCK  
FEDERAL COURT REPORTER  
P. O. BOX 928  
TALLAHASSEE, FLORIDA  
224-0722

that under these circumstances Mr. Goodwin ought to submit an affidavit under oath explaining stating there are no informants and explaining the basis on which he -

**THE COURT:**

Mr. Goodwin, take the witness stand. Swear the witness, Mr. Clerk.

Whereupon,

GUY GOODWIN was called as a witness, having been first duly sworn to speak the truth, the whole truth, and nothing but the truth, was examined and testified as follows:

**THE COURT:**

Mr. Goodwin, are any of these witnesses represented by counsel agents or informants of the United States of America?

**THE WITNESS:**

No, Your Honor.

**THE COURT:**

You can step down.

(Witness excused.)

**MR. LEVINE:**

Your Honor, may we be permitted to question Mr. Goodwin on this?

**THE COURT:**

No, unless you have some information that is

(Caption Omitted)

# **AMENDMENT TO COMPLAINT**

The plaintiffs hereby amend their complaint. The request for relief beginning on page 11 is amended to read as follows: WHEREFORE, plaintiffs respectfully request that the following relief be granted:

1. That this Court issue a declaratory judgment that

a) as a result of the actions of defendants knowingly planting or keeping one or more informants in the defense camp,

1) plaintiffs' rights under the First, Fourth, Fifth, Sixth, Eighth and Ninth Amendments were violated;

2) plaintiffs were incarcerated in violation of their rights under the Fifth, Sixth and Eighth Amendments;

3) plaintiffs CAMIL, MICHELSON, PERDUE, FOSS, MAHONEY, KNIFFIN, PATTERSON and BRIGGS were unnecessarily and wrongfully required to defend themselves against criminal charges in violation of their constitutional rights and denied the right to counsel under the Sixth Amendment.

4) plaintiffs, and particularly plaintiff CAMIL, were deprived of their rights under the First and Ninth Amendments to associate with persons of their choosing free of false statements that those persons are not government agents or informers.

b) the false testimony given by the defendant GOODWIN was beyond the scope of his prosecutorial

function, and violated plaintiffs' rights under the Fifth Amendment.

2. Order that defendants pay to plaintiffs and each of them \$100,000 in punitive damages and \$50,000 in compensatory damages;

3. Order that defendants reimburse plaintiffs CAMIL, MICHELSON, FOSS, PERDUE, KNIFFIN, MAHONEY, PATTERSON and BRIGGS for the cost of their legal defense in the case of *United States v. Briggs, et al.*;

4. That a special prosecutor be appointed to secure indictments against and prosecute defendants GOODWIN, STAFFORD, CARROUTH and MEADOW for any and all violations of the law they have committed in connection

with the subpoenaing and incarceration and prosecution of plaintiffs herein.

Respectfully submitted,

/s/

NANCY STEARNS  
DORIS PETERSON  
MORTON STAVIS  
c/o Center For Constitutional Rights  
853 Broadway  
New York, N.Y. 10003  
(212) 674-3303

CAMERON CUNNINGHAM  
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501 West 12th Street  
Austin, Texas 78701

JACK LEVINE  
1427 Walnut Street  
Philadelphia, Pa.

PHILIP J. HIRSCHKOP  
503 D Street, N.W.  
Washington, D.C.

Attorneys for Plaintiffs

Dated: New York, N.Y.  
June 18, 1974

(Caption Omitted)

**MOTION BY DEFENDANTS FOR CHANGE OF VENUE AND STAY OF PROCEEDINGS, INCLUDING THE DEPOSITION OF DEFENDANT GUY GOODWIN; OR, IN THE ALTERNATIVE, FOR DISMISSAL AS TO THE THREE NON-RESIDENT DEFENDANTS AND FOR STAY OF DISCOVERY, INCLUDING THE DEPOSITION OF THE RESIDENT DEFENDANT GUY GOODWIN, PENDING THE FILING OF A TIMELY MOTION TO DISMISS ON THE DEFENSE OF IMMUNITY FROM SUIT AND THE COURT'S RULING THEREON**

Come now the defendants, by their undersigned attorneys, and on behalf of non-resident defendants Stafford, Carrouth and Meadow, respectfully move this Court, pursuant to the provisions of 28 U.S.C. §1406, to transfer this action to the United States District Court for the Northern District of Florida. In addition, the defendant Goodwin, by his undersigned attorneys, pursuant to the provisions of 28 U.S.C. §1404, respectfully moves that the Court transfer this civil action to the United States District Court for the Northern District of Florida. In addition, all said defendants, pursuant to the provisions of Rules 6(b) and 26(c), Federal Rules of Civil Procedure, respectfully request that the Court stay all proceedings in this cause, including the deposition of defendant Goodwin, now noticed for July 2, 1974 and the defendants' response to the complaint herein as amended, pending the Court's ruling on defendants' motions aforesaid, and if granted, pending further order of the United States District Court for the Northern District of Florida. In the alternative, defendants Stafford, Carrouth and Meadow, pursuant to the provisions of Rule 12(b)(2), (3), (4) and (5), respectfully move this Court to dismiss this action as to them for lack of jurisdiction over their persons, improper venue, insufficiency of process and

insufficiency of service of process and defendant Goodwin respectfully moves that his deposition and all further discovery in this action be stayed pending the filing of a timely motion to dismiss on the defense of immunity from suit and the Court's ruling thereon.

In support hereof, the Court's attention is respectfully invited to Defendants' Exhibits A through Q attached hereto and to defendants' memorandum of points and authorities filed herewith.

Respectfully submitted,

HENRY E. PETERSEN  
Assistant Attorney General

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EDWARD S. CHRISTENBURY  
Attorney, Department of Justice

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